

City of Detroit
CITY COUNCIL

KWAME KENYATTA
COUNCIL MEMBER

June 11, 2008

Honorable Governor Jennifer M. Granholm
State of Michigan
111 S. Capitol Ave.
Lansing, MI 48909

Dear Governor Granholm:

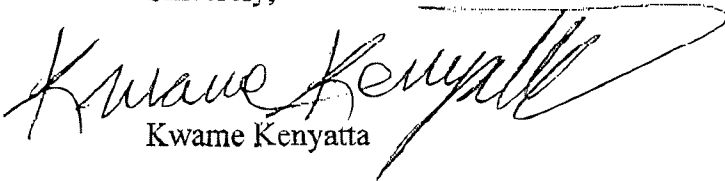
I bid you greetings and hope that this letter finds you in good health.

Please allow me to present to you the attached statement as my official response to the dissenting petition for the removal of Mayor Kwame M. Kilpatrick by your office.

Upon review of the dissenting petition I discovered many errors, omissions and mistruths that begged correction, as I have since done here.

If you have any questions please do not hesitate to contact my office at (313) 224-1198.
Thank you.

Sincerely,


Kwame Kenyatta

City of Detroit

CITY COUNCIL

KWAME KENYATTA
COUNCIL MEMBER

STATEMENT OF RESPONSE TO THE DISSENTING PETITION FOR THE REMOVAL OF MAYOR KWAME M. KILPATRICK BY THE HONORABLE GOVERNOR JENNIFER M. GRANHOLM

Introduction

The petition to the Governor by Detroit City Council Members who voted no regarding the request to the Governor to have Mayor Kilpatrick removed from office was completely in keeping with their rights as Council Members to voice their dissent.

Indeed, it is a matter of public record that Council Member Martha Reeves, Council Member Barbara Rose Collins, and Council Pro Tem Monica Conyers have consistently voted no on any process that would result in Mayor Kilpatrick being forced to leave office.

However, there are several items in the petition involving alleged actions and/or statements by myself that have required my response due to their lack of veracity. These items only will be addressed herein, as Council's approval of Special Counsel William Goodman addresses the rest.

Paragraph I – Preliminary Statement

The assertion in this section of the petition states that the Internal Operations Committee is, "The City Council Committee charged with the responsibility for reviewing and **approving** the settlement of all litigation instituted against the city."

This is untrue. In fact, the Internal Operations Committee, like all other Standing Committees, as specified in section 9.14 of the Detroit City Council Rules of Order may only *recommend* that something either not be approved, be approved, or that it be sent to the Committee of the Whole without a recommendation.

Final approval of any and all recommendations stemming from a Standing Committee can only be done by a majority of the entire Committee of the Whole during the City Council Formal Session.

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It should be noted that the Internal Operations Committee *did not* recommend approval of the Brown/Nelthrope/Harris settlement but merely authorized its transference to the Formal Session for action by all nine Council Members, which was done on October 23, 2007.

Paragraph VII – Preliminary Statement

Several statements in this paragraph are erroneous and taken out of context beginning with the allegation that Council Member Kenyatta “**directed**” the Corporation Counsel to prepare the settlement memorandum immediately and present it to him by 9:00 AM the following morning”. There is no such quote by Corporation Counsel Johnson in all the transcripts of all the testimony of the Committee of the Whole Legislative Hearings. Councilman Kenyatta did not, and based on Sec. 6-403 of the Detroit City Charter, could not direct the Corporation Counsel to do anything. The quote is a fabrication.

What is factual is that Councilman Kenyatta posed the following question on April 11, 2008 at the Committee of the Whole Legislative Hearings, to Mr. Johnson, “Who gave you the authority to settle the case?” Mr. Johnson responded, As Corporation Counsel, I have that authority to settle a matter, a civil matter. I have the authority to do - - at least to recommend settlement to this body.”

The only motivation for the Corporation Counsel’s phone call to the Councilman that Wednesday evening, October 18, 2007 stemmed from the fact that in his role as Chair of the Internal Operations Committee, Councilman Kenyatta alone carried the authority to choose the order in which items appeared on the calendar each Thursday.

Corporation Counsel knew that the only way the settlement could appear on the following Tuesday, October 23, 2008 Formal Agenda for action by all nine Council Members is if it first appeared on the next day’s Internal Operations Committee calendar. Therefore, he actively sought Councilman Kenyatta’s permission to have the settlement placed on the calendar.

Councilman Kenyatta rightly told Corporation Counsel that in order for all committee members to at least have an opportunity to read the settlement memorandum before acting on it at 1pm the next afternoon, it should be delivered to their offices as soon as possible for them to read and consider. Councilman Kenyatta also never stated as the petitioner alleges that “City Council would not even consider an appeal, so do not ask.” The quotation is a fabrication.

Yet, the settlement memorandum that was delivered the next day did not unveil the existence of a confidentiality agreement nor the displeasure and discomfort with the agreement and the nature of the text messages’ that would lead the Mayor’s own attorney Sam McCargo, to resign from representing the Mayor any further.

Paragraph VIII- Preliminary Statement

The petitioner states, "The Committee **unanimously approved** the Settlement Memorandum and made no comments and asked no questions of Assistant Corporation Counsel Valerie Osamuede." Again, the Internal Operations Committee *cannot approve* anything but may only recommend that it be sent to the Committee of the Whole for action by all nine Council Members, which is what the Committee did. The assertion is false. Council Members asked questions during the September 2007 closed session. No other new information was brought to them, so they asked no new questions. No new information was accessible due to the agreement's confidentiality clause, so again they asked no new questions.

Paragraph X – Preliminary Statement

The petitioner states, "The Internal Operations Committee approved the settlement." In fact, the Internal Operations Committee does not have the authority to approve any settlements. The assertion is false.

Part Two- No. 5 Approval of Settlement Agreement

The petitioner states, "Council Member Kenyatta had told John Johnson that **he** was not going to authorize payment for an appeal." In Paragraph VII of the Preliminary Statement the petitioner states that Councilman Kenyatta told Corporation Counsel, "City Council would not even consider an appeal, so do not ask."

Not only are both statements by the petitioner contradictions, as in the first quote the petitioner alleges that Councilman Kenyatta alone told Corporation Counsel John Johnson that *he* was not going to authorize payment for an appeal, which is an ability that Councilman Kenyatta does not possess. And in the second alleged quote, "Councilman Kenyatta allegedly told Corporation Counsel John Johnson that *City Council* would not even consider an appeal, so do not ask," which supposes that Councilman Kenyatta deemed himself authorized to speak on behalf of the entire Council and that Corporation Counsel concurred. But both quotes and assertions are complete fabrications.

I again reiterate, that it is the right of every Council Member to state their position and vote. However, it is unfortunate that this petition misrepresents and/or fabricates the truth for the purpose of advancing the minority position. Furthermore, I encourage the Governor as well as the Council and the people to move forward in their due diligence and due process to remove the Mayor from office.

DATED: June 11, 2008